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PATENT COOPERATION TREATY

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# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference YU174	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).	
International Application No.  PCT/AU02/01169	International Filing Date (day/month/year) 29 August 2002	Priority Date (day/month/year)  12 April 2002
International Patent Classification (IPC) or national classification and IPC  Int. Cl. <sup>7</sup> B41J 2/045, 2/165, B81B 7/00		
Applicant SILVERBROOK RESEARCH PTY LTD et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 14 October 2003	Date of completion of the report 28 October 2003
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  A.G. ADRIANO GIACOBETTI Telephone No. (02) 6283 2579

**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,  
pages , as amended (together with any statement) under Article 19,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , received on with the letter of

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

**4. ☐ The amendments have resulted in the cancellation of:**

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-11	YES
	Claims	NO
Inventive step (IS)	Claims 1-11	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-11	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Cited Prior Art Documents:

(D1) WO 01/89839 A1 (SILVERBROOK RESEARCH PTY. LTD.) 29 November 2001

(D2) WO 00/23279 A1 (SILVERBROOK RESEARCH PTY. LIMITED) 27 April 2000

NOVELTY(N) AND INVENTIVE STEP(IS): Claims 1-11

None of the individual documents above, or any obvious combination of these documents, disclose all the features of the invention as defined in claim 1, and its appended claims 2 to 11.

The closest prior art document (D1) discloses an ink ejection arrangement of an ink jet printhead having a moving nozzle with an externally arranged actuator. The nozzle is displaceable relative to the substrate. The document does not teach or fairly suggest the arrangement of an ink-ejecting member positioned in the nozzle chamber, a work-transmitting structure displaceable with respect to a substrate and connected to the ink-ejecting member, an actuator connected to the work-transmitting structure, and air chamber walls and a covering formation positioned over the actuator, wherein a roof of the nozzle chamber, the work-transmitting structure and the covering formation together define a protective structure positioned in a common plane.

Consequently the invention as defined in claims 1 to 11 meets the requirements of Articles 33(2) and 33(3) of the PCT with respect to novelty and inventive step.

INDUSTRIAL APPLICABILITY (IA): Claims 1-11

The invention of claims 1-11 meet the requirements of Article 33(4) of the PCT with regard to industrial applicability because the printhead chip can be made or used in industry.